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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,930	12/06/2001	John P. Del Favero JR.	088245-3074	9296
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FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER NGUYEN, MERILYN P	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 05/30/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/006,930

**Applicant(s)**

DEL FAVERO ET AL.

**Examiner**

Marilyn P. Nguyen

**Art Unit**

2163

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/06/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 26 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 26 and 34-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed action.

***DETAILED ACTION***

1. This application claims priority to Provisional Application No. 60286259 filed on April 24, 2001 and No. 60254298 filed on December 8, 2000.
2. In response to the communication dated 05/06/2008, claims 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43 are pending in this office.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/06/2008 has been entered.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 34-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claimed invention (Claims 34-43) recites a computer-readable medium that is defined in the Applicant's specification broader to read on carrier wave (Page 23, paragraph [0083]). A carrier wave is not a process, machine, manufacture, nor composition of matter, thus is a non statutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43 are rejected under 35

U.S.C. 102(e) as being anticipated by Wilson (US 6,460,031).

Regarding claims 1, 7, 12, 19, 34-35, 38, 40, and 41, Wilson discloses a method for formulation of queries for use in accessing information from a knowledge base (See col. 2, line 55-67), said method comprising:

    sending a first menu list of words or phrases associated with a plurality of concepts to a device (See col. 3, lines 1-3);

    receiving a first selection of at least one of the words or phrases in the first menu list from the second device, the received first selection identifying a concept for a query to be formed (See col. 3, lines 1-5);

    identifying a second menu list of words or phrases based on at least in part on the identified concept (See col. 3, lines 5-10, Wilson et al.);

    sending the identified second menu list to the device (See col. 3, lines 5-10, Wilson et al.);

receiving a second selection of at least one of the words or phrases in the second menu list from the device, the second selection identifying a first segment of the natural language query (See col. 5, lines 53-60);

forming the natural language query (See col. 2, lines 65-67, and col. 6, lines 39-44) based at least in part on the first segment (See col. 6, lines 20-44);  
wherein identifying the second menu list comprises dynamically generating the second menu list based on the first selection of at least one of the words or phrases in the first menu list (See col. 3, line 4-5) as per claims 7, 35 and 41.

Regarding claims 8, 36 and 42, Wilson discloses selecting the second menu list from a plurality of predetermined menu lists based on the first selection of at least one of the words or phrases in the first menu list (See Fig. 4, and col. 5, lines 39-60, Wilson et al.).

Regarding claim 10, Wilson discloses sending the natural language query to the device (See col. 3, lines 14-20).

Regarding claim 15, Wilson discloses displaying the natural language query on the device (See col. 4, lines 42-49, also Fig. 6, and col. 6, line 17-44, Wilson et al.).

Regarding claim 16, Wilson discloses wherein displaying the natural language query comprises incrementally updating the natural language query as selections are individually made (See col. 7, lines 9-15, Wilson et al.).

Regarding claim 18, Wilson discloses wherein the second menu list has a grammatical and/or contextual relationship (See Fig. 4, Wilson et al.).

Regarding claim 21, Wilson discloses wherein the second menu list is identified from a plurality of predetermined menu lists (See col. 5, lines 42-60, Wilson et al.).

Regarding claim 24, Wilson discloses a method as recited in claim 1 further comprising:  
determining whether an additional menu selection is needed to form the natural language query(See Col. 6, lines 17-44, Wilson et al.);

if an additional menu selection is needed, sending a third menu list of words or phrases to the device, wherein the third menu list is based on the received second selection ( See col. 5, line 66 to col. 6, line 2);

receiving a third selection of at least one of the words or phrases in the third menu list from the device, the third selection identifying a second segment of the natural language query (See col. 6, lines 2-3, Wilson et al.); and

forming the natural language query based at least in part on the second segment (See 618, Fig. 6, and Col. 7, lines 9-15, Wilson et al.).

Regarding claims 25, 37 and 43, Wilson discloses wherein sending the formed query comprises:

forming a request for the response to the formed query (See col. 7, lines 9-14, Wilson et al.); and  
providing the response to the device (See col. 7, lines 13-15, Wilson et al.).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (US 6,460,031), in view of Gobburu (US 6,736,322).

Regarding claims 20 and 39, Wilson discloses all the claimed subject matter as set forth above; however, Wilson is silent as to the second menu list is based at least in part on a profile that includes one or more of a selection history, a preference, content, or an application. On the other hand, Gobburu teaches accessing user profile information associated with a user formulating the query (See col. 22, lines 49-59, Gobburu et al.). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to formulate queries based on user profile information as suggested by Gobburu. The motivation would have been to provide users with quickly access to the information that is likely to be interested by the users. Wilson/Gobburu discloses wherein user profile includes one or more of selection history, user preferences, content or application (See col. 5, lines 1-10, Wilson et al.).

***Response to Arguments***

7. Applicant's arguments filed on 05/06/2008 about the claim rejection of the last Office Action have been fully considered, but they are not persuasive.

- Response to Applicant's arguments on claim rejections over Wilson:

Applicant argues that Wilson fails to teach a first segment which identifies a concept and a second selection which identifies a first segment of the query. The Examiner respectfully point out that Wilson teaches a first segment which identifies a concept and a second selection which identifies a first segment of the query as addressed above. The claimed language of a concept and a first segment of the query can be broadly read on Wilson menus to form query. For example, Figure 6, "Actual Revenue" can read on concept and "Retail by State" can read on first segment of the query.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pazandak US patent No. 7,027,975 discloses guided natural language interface system and method.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026.



Art Unit: 2163

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

MN

Art Unit 2163

/don wong/

Supervisory Patent Examiner, Art Unit 2163